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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/843,512	04/25/2001	Michael Flom	2070/61924	8362

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RICHARD F. JAWORSKI
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, NY 10036

EXAMINER

SHAH, KAMINI S

ART UNIT	PAPER NUMBER
2142	

DATE MAILED: 08/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

8h

Office Action Summary

Application No.

09/843,512

Applicant(s)

FLOM ET AL.

Examiner

Kamini S. Shah

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/23/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 22-28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- 1) ☐ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments filed 06/23/05 have been fully considered but they are not persuasive. Applicant argues that Ukelson does not teach a content manufacturing system that processes information relevant to at least one of community, geography and type of portable device and at least one server that distributes these content packages to portable devices. Examiner disagree since claimed invention can be *at least one of* three limitations, and since Ukelson discloses as in passage on col. 6, lines 11-31, for including "Browser initiated request 16 are first intercepted by the MWS 31 for any required pre-processing prior to the request's issuance to a diversity or destinations" and further more discloses "depending upon the source to the MWS 31 for any required pre-processing prior to MWS passing the data stream as an HTML reply 30 to the standard browser 26."

Regarding to applicant's argument for independent claim 19, for the similar reasoning as applied in claim 1 applies here to.

Regarding to applicant's argument with respect to independent claim 20, Examiner likes to point out the passage on col. 9, lines 35-67, wherein Ukelson discloses the process for authorized operation for user accessing on WebPages.

Regarding applicant's argument with respect to independent claim 21, it would have been obvious to one of ordinary skill in the networking art at the time of the invention that the claimed invention differed from the teachings of Ukelson only by a degree, e.g., in the claimed creating customized portable web site is an obvious variation of browser initiated requests (col 6, line '18 et seq). Other claims recite

Art Unit: 2142

additional web or content manufacturing but these are obvious variations of well known web content development and also additionally generating web content on the fly or dynamically generating well known web page results in response to search request (for example a user inputs a search request to the google search engine and the response content is manufactured dynamically on the fly and presented to the user).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ukelson in view of the well known web content development or manufacturing.

5. Ukelson (6,338,096) taught the invention substantially as claimed (as in exemplary claim 19) including portable device or client computer (col. 5, line 15 et seq) capable of presenting users with portable device application programs like browser and micro web server (col. 5, line 19 et seq (micro web server name indicates that the application is a portable device application), comprising:

a) a cache for caching content packages or web pages or content related to the web pages (col 5, line 22 et seq)

b) an output (e.g., browser);

Art Unit: 2142

c) A control section that searches the cache for relevant content packages (col. 6, line 44 et seq) in response to the user requests, wherein if relevant content packages are not available in the cache (col. 9, line 35 et seq), the control section routes a request to a remote server and content packages fulfilling the request are streamed down to the portable device or client computer (12) from the remote server fulfilling the user request and stored in the cache so that subsequent user requests have access to the updated cache (col. 8, line 4 et seq).

It would have been obvious to one of the ordinary skill in the networking art at the time of the invention that the claimed invention differed from the teachings of Ukelson only by a degree, e.g., in the claimed user input but user input is an obvious variation of browser initiated requests (col. 6, line '18 et seq). Other let would have been obvious to one of ordinary skill in the networking art at claims recite additional web or content manufacturing but these are obvious variations of well known web content development and also additionally generating web content on the fly or dynamically generating well known web page results in response to search request (for example a user inputs a search request to the google search engine and the response content is manufactured dynamically on the fly and presented to the user.) Applicant's claiming of manufacturing relevant content and returning to the server is an obvious variation of the well known on the fly manufacturing process just explained.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kamini S. Shah whose telephone number is 571-272-2279. The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew B. Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2142

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Kamini S Shah
Primary Examiner
Art Unit 2142

kss